

9 January 2002

**HRSC-SW Operating Procedure 12296.3**

Subj: IN-PROCESSING AND PERSONNEL ACTION CODING PROCEDURES  
FOR EMERGENCY HIRE ACTIONS

Ref: (a) Office Of Personnel Management (OPM) memo of 14 Sep 01  
(b) Under Secretary of Defense's memo of 17 Sep 01

Encl: (1) Personnel Action Coding/Remarks Procedures for September 11, 2001,  
Attack Related Appointments  
(2) Applicant's Statement and Other Reporting Information to Be Collected for  
Waivers of Dual Compensation Limits and/or Pay Back of VSIP  
(3) Federal Agency Buyout Repayment Waiver Options

1. **Purpose:** To establish procedures for processing actions in support of the war on terrorism.
2. **Background:** Reference (a) covers the OPM authorized temporary (NTE 1 year) excepted appointments under 5 Code of Federal Regulations 213.3102(i)(3) to fill positions affected by or necessary to deal with the aftermath of the 11 September 2001 attacks on the World Trade Center and the Pentagon. OPM has authorized waiver of repayment of voluntary separation incentive pay and delegated authority to waive dual compensation limits under specified conditions when appointing Federal retirees under the new authority. Reference (b) provides Department of Defense guidance.
3. **Procedure:**

a. Human Resources Service Center, Southwest (HRSC-SW) has established the following procedures for HRSC personnel in order to comply with OPM reporting requirements associated with use of emergency hire actions. Careful documentation of emergency appointment documentation will permit electronic pull of report data from HRSC-SW Code 20 when needed. Enclosure (1) establishes "second" Legal Authority Codes and special remarks to be entered on Request for Personnel Action (RPA) for these appointments.

b. Human Resources Offices (HROs) and managers are responsible for executing the procedures outlined below in line with their responsibilities for committing and in-processing new employees in emergency situations:

(1) As appropriate, managers must secure approval of waivers of dual compensation limits from the commander or activity head having delegated approval authority.

(2) In extending job offers for the new emergency temporary excepted appointments, the HRO must obtain, when appropriate, the statement "I decline the position offered unless the dual

compensation limits are waived" from the applicant. A suggested format for recording this statement is provided as enclosure (2).

(3) Ensuring that the required information is submitted and/or the RPA is properly documented with the required information listed below:

(a) If pay back of a VSIP is to be waived:

1. Obtain required information from the last SF-50 that was processed by the agency that granted the former employee the VSIP and record that information on enclosure (2).

2. Verify, by use of information provided in enclosure (3), that any non-Defense VSIP was paid under a statute that authorized waiver of pay back of the VSIP.

3. After applicable information is recorded on enclosure (2), the HRO must forward the information to the HRSC-SW to facilitate coding and entry of remarks on the RPA in accordance with guidance provided in enclosure (2).

4. All new hire processing documents must be submitted to the HRSC-SW as a complete package as soon as possible after inprocessing via hand carry, U.S. Mail, Federal Express or Fax.

4. **Effective Date:** Immediately

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### **Personnel Action Coding/Remarks Procedures for September 11, 2001 Attack Related Appointments**

1. The following are Office of Personnel Management (OPM) prescribed entries on the Notification of Personnel Action (NPA) for all attack related appointments:

- **Nature of Action Code "171" to be entered in Block 5-A.**
- **Nature of Action "Exc Appt NTE (date)" to be entered in Block 5-B.**
- **First Legal Authority Code "W9R" to be entered in Block 5-C.**
- **First Legal Authority "Sch A, 213.3102(i)(3)" to be entered in Block 5-D.**

2. If the appointee is a Federal retiree for whom dual compensation limits are being waived, enter **"ZKM"** in Block 5-E as a second Legal Authority Code and enter **"Waive Dual Comp"** In Block 5-F as the Legal Authority.

3. If pay back of a VSIP is being waived for the appointee, enter **"ZLM"** in Block 5-E as a second Legal Authority Code and enter **"Waive VSIP"** in Block 5-F as the Legal Authority.

4. If both dual compensation limits and pay back of a VSIP are being waived, enter **"ZNM"** in Block 5-E as a second Legal Authority Code and enter **"Waive Dual Comp/VSIP"** as the Legal Authority.

5. For all appointees for whom dual compensation limits are being waived, enter the following Remarks of the RPA:

- **Employee's civil service retirement number is (number).**
- **Employee stated "I decline the position offered unless the dual compensation limits are waived" on (date).**
- **A brief statement describing how the position's duties directly and solely support the Navy's response to the September 11, 2001, attack.**

6. For all appointees for whom pay back of VSIP is being waived, enter the following Remarks on the RPA:

- **Employee received a VSIP from (agency) located at (geographic location of the agency) under (statute). The statute allows OPM to waive back pay of VSIP.**
- **A brief statement of why the employee is essential to support the Navy's response to the September 11, 2001 attack.**

7. Leave without Pay. LWOP must be documented on an SF 50, Notification of

Enclosure (1)

Personnel Action, with nature of action **473/LWOP-US** and legal authorities **Q3K/5 CFR 353** and **ZJW/Operation Enduring Freedom**. (Note: ZJW is a new legal authority that

has been established to enable OPM and agencies to identify reservists who are involved in the effort under Operation Enduring Freedom). These same authorities must also be used on the **292/RTD** action when the reservist returns to civilian employment.

8. Health Benefits and Life Insurance.

- a. For those reservists with health benefits coverage while absent for reasons related to military duty, enter in block 45 of the SF 50 remark **B66**:

Health benefits coverage will continue for 18 months unless you elect to terminate coverage. Contact your servicing Human Resources Office or see the FEHB Handbook at <http://www.opm.gov/insure> for detailed information.

- b. For those reservists with Federal Employees' Group Life Insurance (FEGLI) coverage, enter in block 45 of the SF 50 remark **B72**

FEGLI coverage continues until your time in nonpay status totals 12 months. Contact your servicing Human Resources Office or see the FEGLI Handbook at <http://www.opm.gov/insure> for detailed information.

9. Separations. If the reservist requests separation rather than LWOP, the separation must be documented with nature of action **353/Separation-US** and legal authorities **Q3K/5 CFR 353** and **ZJW/Operation Enduring Freedom**. Follow the instructions in Chapter 9 or 11 (as appropriate) of The Guide to Processing Personnel Actions, to document the reservist's restoration upon completion of his or her military service.

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**Applicant's Statement and Other Reporting Information to Be Collected for  
Waivers of Dual Compensation Limits and/or Pay Back of VSIP**

**1. Applicant's Statement (If waiver of dual compensation is involved).**

I decline the position offered unless the dual compensation limits are waived.

Applicant's signature \_\_\_\_\_ or HRO representative's  
signature \_\_\_\_\_ if statement was obtained by telephone.

**2. Date above statement was made: \_\_\_\_\_.**

**3. Applicant's civil service retirement number (If waiver of dual compensation limits is involved): \_\_\_\_\_.**

**4. VSIP Information (If waiver of pay back of a VSIP is involved).**

Name of agency that paid the VSIP to the applicant: \_\_\_\_\_, location  
of that agency: \_\_\_\_\_, and statute under which the agency paid the  
VSIP: \_\_\_\_\_. I have confirmed that the statute permits the  
Office of Personnel Management to waive pay back of the VSIP. **NOTE: HRO  
representatives can go to <http://www.cpms.osd.mil/icuc/attacks/repaymentoptions.pdf>  
or see Enclosure 3 for a listing of Federal agency buyout repayment waiver  
options. That listing should answer most questions on whether or not the statute  
permits waiver of the pay back of a VSIP.**

\_\_\_\_\_  
HRO Representative's typed name and signature

\_\_\_\_\_  
Date

Enclosure (2)

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**FEDERAL AGENCY BUYOUT REPAYMENT WAIVER OPTIONS**

<b>AGENCY</b>	<b>PUBLIC LAW (P.L.) NUMBER</b>	<b>DATES</b>	<b>BUYOUT REPAYMENT IF REEMPLOYED (Y/N)</b>	<b>WAIVER OF REPAYMENT (Y/N)</b>
Department of Agriculture	P.L. 104-180, August 6, 1996	October 1, 1996, through September 30, 2000	Yes, if employee accepts reemployment with U.S. Government, including personal services contract, within 5 years.	<b>No</b>
U.S. Agency for International Development	P.L. 104-190, August 20, 1996	August 20, 1996, through January 31, 1997	Yes, if employee accepts reemployment with U.S. Government, including personal services contract, within 5 years.	<b>No</b>
NASA	P.L. 104-204, September 30, 1996 as amended by P.L. Law 106-377, October 27, 2000	September 26, 1996, through September 30, 2002	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	<b>Yes</b>
The following Department of the Treasury agencies: U.S. Coast Guard, Research and Special Programs Administration, St. Lawrence Seaway Development Corporation, Office of the Secretary, and the Federal Railroad Administration	P.L. 104-205, September 30, 1996	October 1, 1996, through September 30, 1997	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	<b>No</b>
Railroad Retirement Board	P.L. 104-208, September 30, 1996	October 1, 1996, through March 30, 2000	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	<b>No</b>



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AGENCY	PUBLIC LAW (P.L.) NUMBER	DATES	BUYOUT REPAYMENT IF REEMPLOYED (Y/N)	WAIVER OF REPAYMENT (Y/N)
DoD	P.L. 102-484 (5 USC 5597), October 1992, as amended by § 1104 of P.L. 106-65, October 5 1999; and P.L. 106-398, October 30, 2000	October 1992 through September 30, 2003	Yes, if employee accepts compensated reemployment with U.S. Government within 5 years, including personal services contract as provided by P.L. 106-398.	Yes
All executive agencies except DoD and CIA	P.L. 103-226 (Federal Workforce Restructuring Act), March 30, 1994	March 30, 1994, through March 31, 1997	Yes, if employee accepts reemployment with U.S. Government, including personal services contract, within 5 years.	Yes
CIA	50 U.S.C. 403-4, as revised by P.L. 103-86, June 8, 1993, and Sec. 402 of P.L. 106-120, December 3, 1999	June 8, 1993, through September 30, 2002	Yes, may not work for the CIA for one year after separation with a buyout. If employee accepts reemployment with U.S. Government within 5 years repayment must be made to CIA.	No
GAO	P.L. 104-19, July 27, 1995	July 27, 1995, through September 30, 1995	Yes, if employee accepts reemployment with U.S. Government, including personal services contract, within 5 years.	Yes
Bonneville Power Administration	P.L. 104-46, November 13, 1995, as amended by P.L. 104-206, September 30, 1996, as amended by P.L. 106-377, October 27, 2000	November 13, 1995, through January 1, 2003	Yes, if employee accepts reemployment with U.S. Government within 5 years, must repay the administrator.	No
Smithsonian Institute	P.L. 104-134, renumbered to 104-140, May 2, 1996	May 2, 1996, through October 1, 1996.	Yes, if employee accepts reemployment with U.S. Government within 5 years.	Yes

Federal Agency Buyout Repayment Waiver Options located at  
<http://www.cpms.osd.mil/icuc/attacks/repaymentoptions.pdf>

Enclosure 3

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<b>AGENCY</b>	<b>PUBLIC LAW (P.L.) NUMBER</b>	<b>DATES</b>	<b>BUYOUT REPAYMENT IF REEMPLOYED (Y/N)</b>	<b>WAIVER OF REPAYMENT (Y/N)</b>
Department of the Treasury, Inspector General for Tax Administration	Sec. 116 of P.L. 106-58, September 29, 1999	October 1, 1999, through January 1, 2003	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	No
General Services Administration, Federal Supply Service Distribution Centers, Forward Supply Points, and other activities	Sec. 411 of P.L. 106-58, September 29, 1999	October 1, 1999, through April 30, 2001	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	Yes
U.S. Agency for International Development	P.L. 106-113, November 29, 1999	November 29, 1999, through December 31, 2000	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	Yes
Department of Veterans Affairs	Sec. 1109 of P.L. 106- 117, November 30, 1999, as amended by Sec. 207 of P.L. 106-419, November 1, 2000	November 30, 1999, through December 31, 2002	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	Yes
GAO	P.L. 106-303, October 13, 2000	October 13, 2000, through December 31, 2003	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	Yes



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All Executive branch agencies, except for those covered by P.L. 104-205 and any other Public Laws providing or extending VSIP during any part of FY97.	P.L. 104-208, September 30, 1996	October 1, 1996, through December 30, 1997	Yes, if employee accepts reemployment with U.S. Government, including personal services contract, within 5 years.	No
Architect of the Capitol	P.L. 105-55, October 7, 1997, amended by § 310 of P.L. 105-275, October 21, 1998	October 7, 1997, through September 30, 2001	Yes, if employee accepts reemployment with U.S. Government within 5 years.	Yes
Department of the Treasury, IRS	P.L. 105-206, July 22, 1998	October 1, 1998, through January 1, 2003	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	No
Nuclear Regulatory Commission	P.L. 105-245, October 7, 1998	October 7, 1998, through December 31, 2000	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	No
Department of Energy	P.L. 105-261, October 17, 1998; as amended by P.L. 106-65, October 5, 1999	October 1, 1996, through September 30, 2002	Yes, if employee accepts compensated reemployment with U.S. Government, including personal services contract, within 5 years.	No
Government Printing Office	P.L. 105-275, October 21, 1998	October 21, 1998, through September 30, 2001	Yes, if employee accepts reemployment with U.S. Government, including personal services contract, within 5 years.	Yes